

AMENDED IN ASSEMBLY MAY 24, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1141**

**Introduced by Assembly Member Cox**

February 23, 2001

---

---

An act to repeal *and add* Section 5153 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1141, as amended, Cox. Mental health: Lanterman-Petris-Short Act: ~~plain clothes~~ *plainclothes* officers and *unmarked* vehicles.

Under the Lanterman-Petris-Short Act, when any person, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer may, upon probable cause, take or cause to be taken, the person into custody and place him or her in a facility for a 72-hour treatment and evaluation. That law provides that, whenever possible, peace officers charged with apprehension of persons under those provisions shall dress in ~~plain clothes~~ *plainclothes* and travel in unmarked vehicles.

~~This bill would repeal the requirement that, whenever possible, officers charged with apprehension of persons under those provisions must dress in plainclothes and travel in unmarked vehicles.~~

*This bill would repeal that provision and would instead authorize a law enforcement agency to use marked or unmarked cars or uniformed or plainclothes officers in the apprehension of a person under the act.*

*This bill would also provide that a law enforcement agency is not subject to civil liability because a uniformed officer or a marked car is used in the apprehension.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5153 of the Welfare and Institutions
- 2 Code is repealed.
- 3 SEC. 2. Section 5153 is added to the Welfare and Institutions
- 4 Code, to read:
- 5 5153. (a) *The Legislature finds and declares that it is*
- 6 *preferable for an officer charged with the apprehension of a person*
- 7 *pursuant to this article to use an unmarked car and dress in*
- 8 *plainclothes.*
- 9 (b) *A law enforcement agency may determine whether to use*
- 10 *marked or unmarked cars or uniformed or plainclothes officers in*
- 11 *the apprehension of a person pursuant to this article.*
- 12 (c) *The law enforcement agency shall not be subject to civil*
- 13 *liability because a uniformed officer or a marked car is used in an*
- 14 *apprehension pursuant to this article.*

